

**REMARKS****Specification**

The specification has been amended to include the application serial nos. of the applications listed.

**Claims**

Claims 1-6, 10-19 and 23-25 are pending in this application. Claims 1-3, 12 and 19 have been amended to correct typographical errors. Claims 7-9, 20-21 and 26 have been cancelled. Claim 25 is allowed.

**Rejection of Claims 1, 3, 5-6, 12-17, 19 and 23 under 35 U.S.C. § 102(e)**

Claims 1, 3, 5-7, 12-17, 19 and 23 were rejected under 35 U.S.C. 102(e) as being anticipated by Petteruti et al. (US 6, 379,058).

Independent claim 1 recites:

A method of controlling an appliance comprising:

establishing a wireless communication link between the appliance and a mobile computing device;

controlling the appliance via the mobile computing device including:

supplying a first content from the mobile computing device to the appliance;

selecting for performance by the appliance at least one content from a plurality of content available via the appliance, the plurality of content including the first content; and

applying a user preference to the appliance.

Petteruti fails to disclose, teach or suggest at least one element of independent claim 1. For example, Petteruti does not disclose “applying a user preference to the appliance.” Low-level packet level negotiation of baud rates and encoding format (See col. 2, lines 5-10 and col. 8 lines 20-59) do not disclose or suggest “applying a user preference to the appliance.” These kind of communication handshakes are associated with the devices themselves and are not preferences of the user. The handshakes are performed regardless of whether a user preference is applied or not. Therefore, claim 1 is patentable over Petteruti.

**Claim 3**

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose “supplying from the mobile computing device to the appliance the user preference including .....” of claim 3. Thus, claim 3 is patentable over Petteruti.

**Claim 5**

Claim 5 depends from claim 1; therefore, the arguments for claim 1 are applicable to claim 5 as well.

Claim 6

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose either of the additional elements recited in claim 6. Thus, claim 6 is patentable over Petteruti.

Claim 12

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose “applying a user preference to the appliance” of claim 12. Thus, claim 12 is patentable over Petteruti.

Claim 13-16

Claim 13-16 depend from claim 12; therefore, the arguments for claim 12 are applicable to claims 13-16 as well. Additionally, Petteruti fails to disclose the additional features recited in claims 13-16.

Claim 17

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose “a memory configured for storing a first content and user preferences” of claim 17. Thus, claim 17 is patentable over Petteruti.

Claim 19

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose “an embedded web server configured for producing a web page representing the mobile computing device including at least one of a user preference list and a user preference database, and the web page optionally representing a transitivity of preferences across appliances” of claim 19. Thus, claim 19 is patentable over Petteruti.

Claim 23

The arguments for claim 1 are applicable for illustrating that Petteruti also fails to disclose “applying a user preference to the appliance” of claim 23. Thus, claim 23 is patentable over Petteruti.

**Rejection of Claims 10-11 under 35 U.S.C. § 102(b)**

Claims 10-11 were rejected under 35 U.S.C. 102(b) as being anticipated by Weintraub et al. (US 4,301,542).

Claim 10

Weintraub fails to disclose, teach or suggest at least one element of independent claim 10. For example, Weintraub does not disclose “a mobile computing device.” Figures 1 and 2 of Weintraub illustrate analog electrical circuits which are responding directly to signals. There is no central processing unit which directs the operation of the device in Weintraub, hence it is not a “computing” device. (Abstract “The level of operation of devices may further be controlled remotely, wirelessly, via amplitude modulation, phase, or pulse, or by increasing or decreasing frequency. ) There is no logic, typically associated with a central processing unit, which is receiving the input signals, processing them according to a program retrieved from storage in a memory or hardwired control logic with memory which transforms the input to an output. There is only a direct response to a current property of an electrical analog signal with no memory. Claim 10 is patentable over Weintraub.

#### Claim 11

Claim 11 is patentable over Weintraub as well because it recites a “mobile computing device” as well.

#### **Rejection of Claims 2, 4, 18, 24 under 35 U.S.C. § 103(a)**

Claims 2, 4, 18 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Petteruti et al. (US 6, 379,058) in view of Rines et al. (US 6,002,558). For an obviousness rejection under 35 U.S.C. 103(a), each and every element of the claims must be taught in the combination of references.

#### Claims 2, 4, 18 and 24

Claims 2 and 4 depend from claim 1 for which Petteruti was relied upon for teaching all the elements of claim 1 while Rines is relied upon for teaching the additional elements of claims 2 and 4. Petteruti fails to disclose, teach or suggest all the elements of claim 1. The combination of Petteruti and Rines still lacks the disclosure or suggestion that would motivate one of ordinary skill in the art to make the invention as claimed in claim 1 or its dependent claims 2-4.

Similarly, the combination of Petteruti and Rines does not provide the disclosure or suggestion that would motivate one of ordinary skill in the art to make or use the invention as claimed in claim 17 or its dependent claim 18 nor the invention as claimed in claim 23 and its dependent claim 24.

#### **Conclusion**

In light of the arguments presented above, pending claims 1-6, 10-19 and 23-25 are in condition for allowance, and applicants respectfully request a prompt notice of allowance.

Respectfully submitted,

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